

Childcare Agency Guidance for Providers

Publication date: 19 February 2016

Publication code OPS-0216-335

Providers of childcare agencies and providers of day care of children services who employ agency staff

This guidance is intended to set out the position of the Care Inspectorate for childcare agencies.

This statement clarifies the definition of childcare agencies and supports providers in meeting their legal responsibilities of childcare agencies and day care of children services, when employing childcare agency staff.

Definition of a childcare agency with reference to the Public Services Reform (Scotland) Act 2010 (the “Act”)

Paragraph 5 of Schedule 12 of the Act defines a childcare agency as:

"(1) ... a service which consists of or includes supplying, or introducing to persons who use the service, child carers; but the expression does not include a nursery and a service may be excepted from this definition by regulations.

(2) ‘Child carer’ means a person who -

(a) whether or not for reward; and

(b) whether on a day-to-day or on an occasional basis,

looks after a child wholly or mainly in the home of the child's parents."

A childcare agency is a service which supplies or introduces to parents, a child carer who looks after a child or young person up to the age of 16, wholly or mainly in the home of that child's parent or parents. They include services such as childcare agencies, nanny and au pair agencies, home-based child care services, sitter services and respite services.

We do not regulate the element of a childcare agency that supplies or introduces childcare workers to a day care of children service.

Please note, although we do not regulate this element of the service, the provider of a day care of children service does have regulatory responsibilities in accordance with the Act and **The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (SSI 2011/2010 9-Fitness of employees).**

Providers of childcare agencies have a responsibility to keep the following records.

1. For a nanny/au pair/respice worker/sitters employed by an agency to work with a family

- List of qualifications
- Skills, experience and knowledge for the job they are employed to do
- Induction process
- Two written references (one of which should be from their recent employer)
- Verification of the right to work in the United Kingdom
- Record of PVG check
- Check agency worker is not barred from registration with Scottish Social Services Council
- Report and keep a written record of any concerns regarding agency staff to the Care Inspectorate using its notification system.
- Accidents and incident records
- Child protection concerns
- Medication records
- Disciplinary
- Training
- Personal plans
- Supervision

(For a full list of records and notification reporting please refer to – Care Inspectorate - Records that all registered care services (except child minding) must keep and notification reporting V3). A copy of this document can be found on our website.

Where we identify poor outcomes for children and the provider of a childcare agency has not followed safer recruitment procedures, we will consider a requirement or recommendation as part of the inspection process and grades we award to the quality statement will reflect our findings.

2. For a nanny/au pair/respice worker/sitters introduced by agency to family and then employed by family

- List of qualifications
- Skills, experience and knowledge for the job they are employed to do
- Induction process
- Two written references (one of which should be from their recent employer)
- Verification of the right to work in the United Kingdom
- Evidence of a PVG check

3. For day care of children services that employ staff through an agency

The provider of the daycare of children service must obtain and keep written confirmation that the agency has carried out a safe recruitment process which should include:

- checking qualifications
- ensuring they have the skills, experience and knowledge for the job they are employed to do
- have undertaken an induction process (an induction process should also be undertaken with the provider of the daycare of children service)
- evidence that two written references have been obtained (one of which should be from their recent employer)
- verification of the right to work in United Kingdom
- Record of PVG check
- Check agency worker is not barred from registration with Scottish Social Services Council
- Retain the start date of the agency worker within the daycare of children service. The childcare worker has six months to register with Scottish Social Services Council. After six months, the provider of the day care of children service would not be recruiting staff in line with best practice and safe recruitment procedures.

Agency staff that are present during a Care Inspectorate inspection may be included in the inspection process.

The provider of the day care of children service must report any concerns regarding agency staff to us using our notification system as they would with any employee. The provider must also notify Scottish Social Services Council where applicable as part of this process.

(For a full list of records and notification reporting please refer to – Care Inspectorate - Records that all registered care services (except child minding) must keep and notification reporting V3). A copy of this document can be found on our website.

As a provider of a day care of children service you must follow safer recruitment procedures in accordance with **The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (SSI 2011/2010 9-Fitness of employees)**

Where we have identified poor outcomes for children and the provider of a day care of children service has not followed safer recruitment procedures, we will consider a requirement and recommendation as part of the inspection process.

Headquarters

Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY

web: www.careinspectorate.com

email: enquiries@careinspectorate.com

telephone: 0345 600 9527



@careinspect

Other languages and formats

This publication is available in other formats and other languages on request.

Tha am foillseachadh seo ri fhaighinn ann an cruthannan is cànanan eile ma nithear iarrrtas.

অনুরোধসাপেক্ষে এই প্রকাশনাটি অন্য ফরম্যাট এবং অন্যান্য ভাষায় পাওয়া যায়।

یہ اشاعت درخواست کرنے پر دیگر شکلوں اور دیگر زبانوں میں فراہم کی جاسکتی ہے۔

ਬੇਨਤੀ 'ਤੇ ਇਹ ਪ੍ਰਕਾਸ਼ਨ ਹੋਰ ਰੂਪਾਂ ਅਤੇ ਹੋਰਨਾਂ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ।

هذه الوثيقة متوفرة بلغات ونماذج أخرى عند الطلب

本出版品有其他格式和其他語言備索。

Na życzenie niniejsza publikacja dostępna jest także w innych formatach oraz językach.